

State Water Resources Control Board

TO: Members of the Board

FROM: Thomas Howard 
Executive Director
EXECUTIVE OFFICE

DATE: OCT 30 2015

SUBJECT: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE VOLUNTARY
DROUGHT AGREEMENT ON ANTELOPE CREEK

On April 4, 2015, the Deputy Director of the Division of Water Rights (Deputy Director) issued *Order WR 2015-0017-DWR: Curtailment Order in the Matter of Diversion of Water from Antelope Creek Tributary to the Sacramento River in Tehama County* (April Curtailment Order). On April 8, 2015, the California Department of Fish and Wildlife (CDFW) entered into a Voluntary Drought Agreement (Agreement) with Los Molinos Mutual Water Company (Los Molinos MWC) in the Antelope Creek watershed towards the goal of providing minimum flows necessary to allow for adult and juvenile fish migration in lower Antelope Creek. At that time, CDFW and Los Molinos MWC did not request approval from the Deputy Director to implement the agreement in place of the April Curtailment Order. The April Curtailment Order was suspended on May 29, 2015 due to hydrologic and fish presence conditions.

On October 9, 2015, CDFW and the National Marine Fisheries Services (NMFS) submitted a memorandum to the Deputy Director confirming the presence of adult California Central Valley steelhead in the Upper Sacramento River Basin, and the presence of juvenile Central Valley spring-run Chinook salmon and juvenile California Central Valley steelhead in Deer and Antelope Creeks. Pursuant to California Code of Regulations, title 23, section 877, subdivision (a), for the protection of threatened and endangered fish and due to the ongoing drought and environmental conditions, CDFW and NMFS requested that the State Water Board curtail Antelope Creek diversions no later than 8:00 AM on November 1, 2015.

From 2010 through 2013, the total average water demand for the Antelope Creek watershed was approximately 19,920 acre-feet per year (AFY). During this period, Los Molinos MWC reported an average demand of 7,819 AFY of water diverted from Antelope Creek. This represents approximately 39 percent of the total annual demand within the Antelope Creek watershed. Edward's Ranch reported an average demand of 9,323 AFY, representing approximately 45 percent of the total annual demand within the Antelope Creek watershed. Additional smaller water right holders, primarily in the upper watershed, represent the remaining 16 percent of the total annual demand.

October 30, 2015

Based on the Agreement and the State Water Board's available water right information, it appears that the CDFW Agreement with Los Molinos MWC does not, by itself, cover substantially all of the water diverted in the Antelope Creek watershed. Accordingly, California Code of Regulations, title 23, section 877 shall remain in effect on Antelope Creek and the Deputy Director shall consider whether issuance of curtailment orders is necessary to protect the identified drought emergency minimum flows on Antelope Creek.

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